

Zoning Text Amendment No.: 17-14
Concerning: Walls and Fences -
Setback Exemption
Draft No. & Date: 1 – 10/10/17
Introduced: October 31, 2017
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise, under certain circumstance, the provisions that allow fences and walls to be exempt from setback standards

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 6.4. “General Landscaping and Outdoor Lighting”
Section 6.4.3. “General Landscaping Requirements”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 6.4. General Landscaping and Outdoor Lighting

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Section 6.4.3. General Landscaping Requirements

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C. Fences and Walls

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3. Exemptions from Building Line and Setbacks

Building line and setback requirements do not apply to:

a. deer fencing:

i. in an Agricultural or Rural Residential zone; or

ii. behind the front building line for property in a non-Agricultural or non-Rural Residential zone unless the property adjoins a national historical park.

b. a retaining wall where changes in street grade, width, or alignment have made such structures necessary;

c. any other wall or fence that is [6.5 feet or less in height and is] not on a property abutting a national historic park[;] and is:

i. 6.5 feet or less in height when not abutting a Commercial/Residential, Employment, or Industrial zone; or

ii. 8 feet or less in height when located in a Residential zone and the fence abuts a Commercial/Residential, Employment, or Industrial zone;

d. a rustic fence on a property abutting a national historical park;

- e. any boundary fence behind the front building line, if the property is located within 100 feet of a parking lot in a national historical park; and
- f. deer fencing and any other fence that is 8 feet or less in height, if the property is farmed and agriculturally assessed.

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council